IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Crl.MC.No. 2023 of 2007()

ST.1114/2005 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, THRISSUR

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PETITIONER/ACCUSED:

A.C.CHUMMAR,AKKARA HOUSE,P.O.OLLUR,
THRISSUR DISTRICT.

BY ADV. SRI.P.K.ANIL

RESPONDENTS: COMPLAINANT & STATE

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1. THE FEDERAL BANK LTD ALUVA REP.BY
SENIOR MANAGER,S T NAGAR BRANCH,THRISSUR.

2. STATE REP.BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI. M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 2023 of 2007

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Dated this the 26th day of June, 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the N.I. Act. Cognizance has been taken. The petitioner, instead of appearing before the learned Magistrate, has come to this Court with an application under Section 482 Cr.P.C. to quash the proceedings against him.

2. What is the reason? The only reason urged is that the notice of demand has not been issued by the payee. Who is the payee? It is not disputed before me that the Federal Bank Ltd. is the payee. Notice is issued by a counsel on behalf of Federal Bank Ltd. Of course, the address is shown as S.T. Nagar Branch, Thrissur. The complaint is filed by M/s. Federal Bank Ltd. Alwaye, represented by its Senior Manager, S.T. Nagar Branch, Thrissur. The complainant/payee is a corporate entity and I find absolutely nothing wrong in the notice issued or the manner in which the payee lodged the complaint to justify the invocation of the powers under Section 482 Cr.P.C.

3. The learned counsel for the petitioner finally submits that the petitioner may be permitted to appear through counsel and seek exemption from personal appearance. The petitioner needs no permission of this Court to seek exemption from personal appearance. The petitioner can certainly seek exemption from personal appearance before the learned Magistrate. Needless to say, the learned Magistrate must pass appropriate orders on merit. I have no reason to assume that any Magistrate would unnecessarily insist on personal appearance of an indictee facing allegations under Section 138 of the N.I. Act.

4. With the above observations this Crl.M.C. is dismissed.

(R. BASANT)
Judge

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